

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GEORGE THOMAS LEROY,

Petitioner,

3:10-CV-00516-ST

ORDER

v.

BRIAN BELLEQUE,
Superintendent,

Respondent.

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#78) on October 29, 2013, in which she recommends the Court deny Petitioner George Thomas Leroy's Petition (#2) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, dismiss this matter with prejudice, grant a certificate of appealability as to Petitioner's Ground Six due-process claim, and deny a certificate of appealability as to Petitioner's other claims. Petitioner

filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*).

In his Objections, Petitioner reiterates the arguments related to the merits of his claims contained in his Petition and Memorandum in Support of Petition. Petitioner also objects to the Magistrate Judge's conclusion that his claims for ineffective assistance of counsel are procedurally defaulted. This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#78), **DENIES** the Petition (#2) for Writ of Habeas Corpus, **DISMISSES** this matter **with prejudice**, **GRANTS** a

certificate of appealability as to Petitioner's Ground Six due-process claim, and **DENIES** a certificate of appealability as to Petitioner's other claims.

IT IS SO ORDERED.

DATED this 16th day of January, 2014.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge